PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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For : USES OF HUMAN ZVEN PROTEINS AND POLYNUCLEOTIDES
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Examiner : Chandra, G.
Art Unit : 1646
Docket No. : 02-20
Date : August 1, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

The Restriction Requirement mailed July 3, 2006, has been received and reviewed.

The Office Action sets forth a restriction requirement under 35 USC §121. Applicants were requested to elect one of fifteen designated groups as briefly noted below:

I. Claims 1-8, 10-33 and 44-45 drawn to a method of modulating gastrointestinal contractactility in a mammal comprising administering to the mammal a polypeptide comprising the amino acid reside 28-108 of SEQ ID NO:2, classified in class 514, subclass 2.

II. Claim 9, drawn to a method of stimulating gastrointestinal contractactility in a mammal comprising administering to the mammal a polypeptide comprising the amino acids 20-105 of SEQ ID NO:5 and a polypeptide comprising the amino acids 28-108 of SEQ ID NO:2, classified in class 514, subclass 2.

III. Claims 34-35 and 44-45, drawn to a method of stimulating chemokine release in a mammal comprising administering to the mammal a polypeptide comprising the residues 28-108 of SEQ ID NO:2, classified in class 514, subclass 2.

IV. Claims 34-35 and 44-45, drawn to a method of stimulating chemokine release in a mammal comprising administering to the mammal a polypeptide comprising the residues 20-105 of SEQ ID NO:5, classified in class 514, subclass 2.

V. Claim 36, drawn to a method of inducing or increasing appetite or weight in a mammal comprising administering to the mammal a polypeptide comprising the residues 28-108 or SEQ ID NO:2, classified in class 514, subclass 2.

VI. Claim 36, drawn to a method of inducing or increasing appetite or weight in a mammal comprising administering to the mammal a polypeptide comprising the residues 20-105 or SEQ ID NO:5, classified in class 514, subclass 2.

VII. Claim 37, drawn to a method of increasing or decreasing sensitization to thermal, chemical or painful stimulus comprising administering a polypeptide comprising amino acids 28-108 of SEQ ID NO:2, classified in class 424, subclass 9.1.

VIII. Claim 37, drawn to a method of increasing or decreasing sensitization to thermal, chemical or painful stimulus comprising administering a polypeptide comprising amino acids 25-105 of SEQ ID NO:5, classified in class 424, subclass 9.1.

IX. Claims 38-39, drawn to a method of increasing or decreasing sensitization to thermal, chemical or painful stimulus comprising administering an antagonist to a polypeptide comprising amino acids 28-108 of SEQ ID NO:2, classified in class 424, subclass 9.1.

X. Claims 38-39, drawn to a method of increasing or decreasing sensitization to thermal, chemical or painful stimulus comprising administering an antagonist to a polypeptide comprising amino acids 20-105 of SEQ ID NO:5, classified in class 424, subclass 9.1.

XI. Claims 40-43, drawn to a method of inducing vasculogenesis in cardiac stem cells comprising administering a polypeptide comprising amino acids 28-108 of SEQ ID NO:2, classified in class 424, subclass 9.1.

XII. Claims 44-45, drawn to a method of stimulating gastrointestinal contractactility in a mammal comprising administering to the mammal a polypeptide comprising the amino acids 20-105 of SEQ ID NO:5, classified in class 514, subclass 2.

XIII. Claims 44-45, drawn to a method of stimulating gastrointestinal contractactility in a mammal comprising administering to the mammal a polypeptide comprising the amino acids 28-129 of SEQ ID NO:29, classified in class 514, subclass 2.

XIV. Claims 46-47, drawn to an isolated nucleic acid sequence of SEQ ID NO:14 and a method of producing the polypeptide encoded by the nucleic acid of SEQ ID NO:14 comprising culturing a recombinant cell comprising an expression vector comprising the nucleic acid of SEQ ID NO:14, classified in class 435, subclass 69.1.

XV. Claim 48, drawn to a polypeptide encoded by nucleic acid sequence of SEQ ID NO:14, classified in class 530, subclass 350.

Applicants note that in co-pending Application No. 10/990,246 a provisional non-statuatory double patenting rejection has been made stating that the claims of that application are unpatentable over claims 1, 3-10, 12-18, 20-22, 24-33, and 44-45 of the present application. For this reason, Applicants request reconsideration of the restriction requirement in the present application under 37 CFR § 1.143. Applicants request modification of the restriction to include another group that would include Claims 2, 11, 19, and 23, drawn to a method of inhibiting gastrointestinal contractactility in a mammal comprising administering to the mammal a polypeptide comprising the amino acid reside 28-108 of SEQ ID NO:2. A photocopy of the Office Action in the co-pending Application No. 10/990,246 is provided for the Examiner's convenience.

Under 37 CFR § 1.143 Applicants provisionally elect Group I.

Early reconsideration and allowance of the pending claims under examination are respectfully requested. If the Examiner believes that a telephone interview would expedite prosecution of the above-identified patent application, please call the undersigned at (206) 442-6752.

Respectfully Submitted,

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Enclosure:
Photocopy of Office Action in Co-pending Application No. 10/990,246 (10 pages)

Customer No. 10117